

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
) No. 14 CR 511
v.)
) Honorable Rubén Castillo
JAVIER RUBIO, JR.,)
ANGELA OSORIO,)
YOJAIRA VELAZQUEZ,)
also known as "Yojaira Villegas,"
and "Yojaira Ceron," and
FRANCISCO VELAZQUEZ

**SECOND UNOPPOSED MOTION FOR AN EXTENSION OF TIME
TO RETURN AN INDICTMENT OR FILE AN INFORMATION**

The UNITED STATES OF AMERICA, by ZACHARY T. FARDON, United States Attorney for the Northern District of Illinois, respectfully moves this Court for an extension of time, to and including November 26, 2014, in which to seek the return of an indictment or file an information against defendants Javier Rubio, Angela Osorio, Yojaira Velazquez, and Francisco Velazquez, pursuant to Title 18, United States Code, Section 3161(h)(7)(A) & (B). In support of this unopposed motion, the government states as follows:

Background

1. On September 11, 2014, Javier Rubio, Angela Osorio, Yojaira Velazquez, and Francisco Velazquez were charged by criminal complaint with conspiracy to smuggle into the United States counterfeit obligations of the United States, in violation of Title 18, United States Code, Section 371 (Title 18, United States Code, Section 472). Dkt. 1. The complaint alleges that from on or about January 25, 2014, to on or about February 11, 2014, the defendant conspired to smuggle counterfeit United States Federal Reserve Notes from Colombia to the United States.

2. On September 12, 2014, defendants Rubio and Osorio were arrested. On November 10, 2014, defendant Yojaira Velazquez was arrested. Defendant Francisco Velazquez remains a fugitive.

3. On September 12, 2014, defendants Rubio and Osorio appeared before Magistrate Judge Sidney Schenkier for an initial appearance. Magistrate Judge Schenkier ordered defendants Rubio and Osorio released on bond. Defendants Rubio and Osorio waived a preliminary examination without prejudice.

4. On November 11, 2014, Yojaira Velazquez appeared before a magistrate judge in the Eastern District of New York for a removal hearing. The magistrate judge ordered Mrs. Velazquez to be transferred to the Northern District of Illinois and released her on bond.

Argument

5. According to the Speedy Trial Act, the government must file any information or indictment charging an individual with the commission of an offense within thirty days from the date on which the individual was arrested. 18 U.S.C. § 3161(b). Time may be excluded from the computation of this thirty-day period if a judge grants a motion for a continuance made by the government upon finding that the ends of justice served by granting the continuance outweigh the best interest of the defendant and public in a speedy trial. *Id.* § 3161(h)(7)(A); *see also United States v. Adams*, 625 F.3d 371, 378–79 (7th Cir. 2010). In granting a motion for the exclusion of time, courts may consider whether “delay in the filing of the indictment is caused because the arrest occurs at a time such that it is unreasonable to expect return and filing of the indictment within” 30 days of the arrest, and whether “the facts upon which the grand jury must base its determination are unusual or complex.” 18 U.S.C. § 3161(h)(7)(B)(iii).

6. Because defendants Rubio and Osorio were arrested on September 12, 2014, the thirty-day deadline for an indictment or information to be filed against them was October 12, 2014. On October 10, 2014, this Court granted the government's first motion for an extension of time and extended the deadline to November 12, 2014.

7. The government has spoken with counsel for defendants Rubio, Osorio, and Yojiara Velazquez, and they do not oppose this motion.

WHEREFORE, for these reasons, and for the reasons set forth in the sealed Attachment, the United States respectfully requests that this Court grant this Motion and extend time to seek the return of an indictment or file an information under the Speedy Trial Act to, and including, November 26, 2014.

Respectfully submitted,
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